

Christine K. Noma (Bar No. 104751)
Carita T. Shanklin (Bar No. 206844)
WENDEL, ROSEN, BLACK & DEAN LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4036
Telephone: (510) 834-6600
Fax: (510) 834-1928

Attorneys for Defendants
ALCO IRON AND METAL COMPANY, a
corporation, and KEM CANTOR, an individual

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAYKEEPER,

Plaintiff,

vs.

ALCO IRON AND METAL COMPANY,
a corporation, and KEM KANTOR, an
individual,

Defendants.

Case No. C 05 00398

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE DATE,
ANSWER TO COMPLAINT AND ORDER**

THE FOLLOWING IS A STIPULATION AND AGREEMENT by and between the
plaintiff BAYKEEPER, represented by Christopher A. Sproul, and defendants, ALCO IRON
AND METAL COMPANY, a corporation, and KEM KANTOR, an individual, represented by
Wendel, Rosen, Black & Dean LLP:

1. WHEREAS the parties to this action are currently in the process of developing a
consent decree which they expect to resolve this matter and obviate the need for
further litigation between the parties;
2. WHEREAS the parties to this action currently believe they will be able to present

a proposed consent decree to the Court for approval in the near future;

IT IS HEREBY STIPULATED AND AGREED:

1. That the date for ALCO IRON AND METAL COMPANY to submit its answer be continued until July 29, 2005;
2. That the case management conference, currently set for July 1, 2005 be continued until August 5, 2005; and
3. That the date for the parties to submit the joint Case Management Statement and Rule 26(f) Report be continued until July 29, 2005.

SO STIPULATED.

Dated: June 29, 2005

WENDEL, ROSEN, BLACK & DEAN LLP

By: Carita T. Shanklin
Carita T. Shanklin
Attorney for Defendants
ALCO IRON AND METAL COMPANY,
a corporation, and KEM CANTOR, an
individual

Dated: June 29, 2005

ENVIRONMENTAL ADVOCATES

By: /s/
Christopher A. Sproul
Attorney for Plaintiff
BAYKEEPER

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: June 28, 2005

/s/ Maxine M. Chesney

THE HONORABLE MAXINE M. CHESNEY

000312.0015\748134.1